

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Brice Yingling, et al.,

NO. C 09-01733 JW

Plaintiffs,

v.

**ORDER VACATING CASE
MANAGEMENT CONFERENCE;
SETTING HEARING FOR PRELIMINARY
APPROVAL OF SETTLEMENT**

eBay, Inc.,

Defendant.

This case is scheduled for a Case Management Conference on November 22, 2010. Pursuant to the Federal Rules of Civil Procedure and Local Rules of this Court, the parties conferred and duly submitted a Joint Status Report Regarding Settlement. (See Docket Item No. 200.) Based on the parties' representation, the Court finds that it can set a Preliminary Approval of Class Settlement hearing without the necessity of an appearance at this time.

Accordingly, the Court VACATES the November 22, 2010 Case Management Conference and orders as follows:

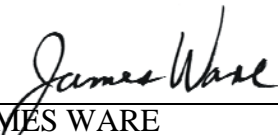
- (1) The Court sets the hearing for Preliminary Approval of Class Settlement for **December 20, 2010 at 9 a.m.** On or before **December 10, 2010**, the parties shall file their Joint Motion for Preliminary Approval of Class Settlement supported by appropriate declarations.
- (2) The Court sets the Final Fairness Hearing for **March 14, 2011 at 9 a.m.** Prior to the Final Fairness Hearing, Plaintiffs shall file their Application for Attorney Fees in compliance with In re Mercury Interactive Secs. Litig.,¹ to the extent that the fees are

¹ No. 08-17372, 2010 WL 3239460, at *6 (9th Cir. Aug. 18, 2010)

1 from a “common fund.” The Court also reads In re Mercury to require that a fee
2 application must include details with respect to the specific work done by counsel,
3 namely, what work was done, how much time the work consumed and whether the
4 work contributed to the benefit of the class. Id. at *5-6. Thus, if applicable,
5 Plaintiffs’ Application shall include the details described above.

- 6 (3) On **December 10, 2010**, along with their Joint Motion, the parties shall also file a
7 Proposed Order for Preliminary Approval of Class Settlement. The Proposed Order
8 shall include the March 14, 2011 Final Fairness hearing date and related deadlines.

9
10 Dated: November 16, 2010



JAMES WARE
United States District Judge

THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:

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Dated: November 16, 2010

Richard W. Wieking, Clerk

By: /s/ JW Chambers
Elizabeth Garcia
Courtroom Deputy